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FILED
JUN 3 2005
UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES BANKRUPTCY COURT

EASTERN DISTRICT OF CALIFORNIA

In re	Case No. 04-34629-C-7
DAVID B. PETERSEN and VICKI G. PETERSEN,	DC No. JMG-1
Debtors.	

FINDINGS OF FACT AND CONCLUSIONS OF LAW ON MOTION FOR RELIEF FROM AUTOMATIC STAY

These findings of fact and conclusions of law are rendered in this contested matter pursuant to Federal Rule of Civil Procedure 52 as incorporated by Federal Rules of Bankruptcy Procedure 7052 and 9014.

Jurisdiction

Jurisdiction is founded upon 28 U.S.C. § 1334. This is a core proceeding. 28 U.S.C. § 157(b)(2)(G).

Findings of Fact

Debtors filed this voluntary chapter 7 petition on December 27, 2004. Debtors scheduled a 2000 Mitsubishi Eclipse ("vehicle") as an asset of the estate. The chapter 7 trustee

filed a report finding that there was no property available for distribution from the estate over and above that exempted by debtor. The court notes that the debtors were discharged from all dischargeable debts on March 31, 2005.

On May 6, 2005, Bank of America ("movant") filed a motion, notice, and declaration requesting that this court vacate the automatic stay to permit movant to repossess the vehicle. The Kelley Blue Book value of the vehicle is approximately $6,300. The motion and declaration establish that the debtor owes the movant approximately $6,263.58. No opposition to the motion was filed. Upon review of the record, the court determined that the written record was adequate and that no oral argument is necessary.

Conclusions of Law

The automatic stay of acts against the debtor in personam and of acts against property other than property of the estate will terminate when an individual in a case under chapter 7 is granted a discharge. 11 U.S.C. § 362(c)(2)(C).

Because the debtors were granted a discharge, the motion for relief from the automatic stay as to the debtors is moot. Thus, the motion will be denied.

The motion will be granted as to the trustee because the trustee filed a no asset report.

An appropriate order will issue.

Dated: June 3, 2005

/s/

UNITED STATES BANKRUPTCY JUDGE

CERTIFICATE OF SERVICE

On the date indicated below, I served a true and correct copy(ies) of the attached document by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed and by depositing said envelope in the United States mail or by placing said copy(ies) into an interoffice delivery receptacle located in the Clerk's Office.

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Dated: 6-3-05

By: M. Anderson
Deputy Clerk